

Appl. No. 10/002,842
Amendment and Response dated January 27, 2006
Office Action of September 29, 2005

Remarks

Responsive to the Office Action dated September 29, 2005, Applicants request consideration of the following remarks. A reconsideration of the present application respectfully is requested. Claims 10-11 and 17-20 have been canceled. Claims 21 and 22 have been added. As such, claims 1-9, 12-16 and 21-22 are pending and under consideration. Each of these claims are believed to be in condition for allowance and such favorable action is requested. Applicants would like to thank the Examiner for her time in interviewing the case on December 19, 2005.

103 Rejections

35 U.S.C. § 103(a) Rejections

To establish a *prima facie* case of obviousness, three criteria must be met:

1) there must be some suggestion or motivation to modify the reference or to combine reference teachings;

2) there must be a reasonable expectation of success; and

3) the prior-art references must teach or suggest all the claim limitations.

Moreover, the teaching or suggestion, and the reasonable expectation of success must be found in the prior art and not be based on Applicants' disclosure. See MPEP § 706.02(j), § 2142, and § 2143.

Claims 1-5 have been rejected under 35 U.S.C. 103(a) as being unpatentable over by Sugi et al. (The American Journal of Gastroenterology, Vol. 91, No. 5, 927-934, 1996) (the "Sugi reference"). As the Sugi reference neither teaches nor suggests a method for diagnosing irritable bowel syndrome if a sample does not contain an elevated level of endogenous lactoferrin, Applicants traverse the rejection.